(74)

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (C) No. 6406 of 2007

PETITIONERS :

1. Dukhwa Ram S/o Pardeshi Dhobi, aged about 55 years.
2. Premsingh Chouhan, S/o Chain Singh Chouhan, aged about 52 years.
3. Amrut Bai, W/o Ghasiya Gond, aged about 52 years.
4. Sevaram Netam S/o Panchu Ram Netam, aged about 46 years.
5. Santri Bai, W/o Bansilal Gond, aged about 60 years.
6. Dular Sahu S/o Dhan Singh Sahu, aged about 46 years.
7. Sukiya Bai W/o Mangulu, aged about 50 years.
8. Lallaram S/o Jairam Pardhi, aged about 50 years.
9. Smt. Thagiya Bai W/o Late Shri Ram Charan Halwa, aged about 55 years.
10. Shri Ram Yadav, S/o Sudhir Singh Yadav, Aged about 55 years.
11. Champa Bai W/o Shyamlal, aged about 55 years.
12. Durgesh Singh, S/o Shriram, aged about 40 years.
13. Kisan, S/o Kamal Kumar, aged about 35 years.
14. Ramesh Kumar S/o Shivlal, aged about 42 years.

All are R/o Kailash Nagar, Ward No. 27, Rajnandgaon (CG).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through the Secretary, Department of Revenue, DKS Building, Mantralaya, Raipur (CG).
2. Collector, Rajnandgaon, Dist. Rajnandgaon (CG).
3. Municipal Corporation, Rajnandgaon, Dist. Rajnandgaon (CG) through its Commissioner.
4. Nazul Officer, Rajnandgaon, Dist. Rajnandgaon (CG).
5. Uday Raj Parakh, S/o Mangal Chand Parakh, aged about 50 years, R/o G.E.O. Road, Rajnandgaon, Dist. Rajnandgaon (CG).
6. Ashok Parakh, S/o Late Shri Laxmichand Parakh, aged about 55 years, R/o G.E.O. Road, Rajnandgaon, Distt. Rajnandgaon (CG).

(75)

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)
(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri B.D. Guru, Advocate for the petitioners.
Shri Arvind Dubey, Panel Lawyer for the State.

ORDER
(Passed on this 30th of October, 2007)

1. Learned counsel appearing for the petitioners submits that, on the basis of the judgment and decree dated 27.10.1977 (Annexure P/2), passed by Additional District Judge, Rajnandgaon, in Civil Appeal No. 22-A of 1977 (Purshottam Bhai Gujrati Vs. State of Madhya Pradesh), the respondent No.2 has issued a notice to the petitioners to vacate the premises, which have been allotted to them, allegedly by an order passed by the Collector.
2. According to learned counsel appearing for the petitioners, the action of the respondent No. 2 is based in compliance with the judgment and decree dated 27.10.1977, passed by Additional District Judge, Rajnandgaon. Learned counsel appearing for the petitioners seeks permission of this court to file a Civil Suit before the appropriate Civil Court. In the meantime, the counsel for the petitioners submits that the petitioners be protected from dispossession.
3. Be that as it may, without making any observation on merit, the petitioners are at liberty to take recourse to file Civil Suit, if so advised.
4. The petitioners shall not be dispossessed for a period of 15 days from the date of passing of this order to enable the petitioners to file a Civil Suit, if so advised, and make a proper application for interim relief.
5. In view of the foregoing, this writ petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

Sahu